



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22303-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,998	12/26/2001	Joseph Honein	IM 1725 CIP	2457

7590 02/08/2005
Kenneth H. Johnson
P.O. Box 630708
Houston, TX 77263

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
----------	--------------

3634

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,998

Applicant(s)

HONEIN, JOSEPH

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anguera '191. To use wood for the boards of Anguera having the claimed modulus of elasticity and fiber bending strength, would have been an obvious mechanical expedient, by the selection from readily available resources depending on the bending strength and stiffness desired.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denmark pat. '807 to Larsen. To use wood for the boards of Larsen having the claimed modulus of elasticity and fiber bending strength, would have been an obvious mechanical expedient, by the selection from readily available resources depending on the bending strength and stiffness desired.

Claims 1-5,7-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen in view of Anguera '191. Larsen shows the claimed composite planks with the exception of the at least three spaced helical pins. Anguera teaches the use of at least three square cross-section helical pins for

pinning composite boards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Larsen or with at least three spaced helical pins, as taught by Anguera, for compressively pinning his boards together. To use wood for the boards of Larsen having the claimed modulus of elasticity and fiber bending strength, would have been an obvious mechanical expedient, by the selection from readily available resources depending on the bending strength and stiffness desired, furthermore, to make his plank and boards of the claimed dimensions, would have been an obvious mechanical expedient depending on the size of the plank desired.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen and Anguera as applied to claim 8 above, and further in view of Bouton. Bouton shows the use of three wooden boards to form a scaffold plank. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Larsen for his plank to be made up of three boards, as taught by Bouton, in lieu of the four shown, to enable the use of fewer number of elements to form his plank. Furthermore, to make his plank and boards of the claimed dimensions, would have been an obvious mechanical expedient depending on the size of the plank desired.

Claim 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen, Anguera and Bouton as applied to claim 9 above, and further in view of Japanese pat. '022 to Anglehart. Anglehart teaches the method of alternating the wood grains of side-by-side boards to enable a high resistance to warpage. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Larsen for his boards to be arranged with alternating wood grains, as taught by Anglehart, to resist warpage of his plank.

Applicant's arguments filed 10.29.04 have been fully considered but they are not persuasive. With respect to Anguera and Larsen, applicant argues that neither disclosed the claimed modulus of elasticity and fiber bending strength. It is noted that in patent law to select known material for their known properties and advantages does not obviate obviousness, because if it was as applicant argues it would take away from the public's domain the right to chose material for their known properties. Is this what applicant is trying to do? With respect to Bouton and his clamping device, Bouton was not used to teach a clamping device, but his three wooden boards. With regards to Larsen, applicant stated that Larsen pins 5 do not hold the boards in compression, the examiner notes that Larsen states that pins 5 binds the boards together, thus by binding the boards together the boards are held in compression. With regards to Larsen and Anguera, the problem at hand to be

resolved between the claimed invention and Larsen, is that compressively securing a plurality of board together with helical pins. Anguera teaches the use of helical pins to compressively bind a plurality of boards together, thus Anguera is an analogous art, and it is with the scope of one of ordinary skill in the art to appreciate the teachings from analogous arts to resolve the problem at hand, thus the combined teachings is proper. The difference to be resolved between the claimed invention and Larsen as modified by Anguera and Bouton, is that of positioning the wood grains of adjacent sections in opposite directions. Anglehart teaches the method of positioning the wood grains of adjacent wooden boards in the opposite direction to resist warping (strengthening his composite structure), therefore, Anglehart is an analogous art, and it is deemed proper for one of ordinary skill in the art to appreciate the teachings of analogous arts to resolve the difference at hand. Therefore, the claimed invention would have been obvious in view of the modified device of Larsen.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS